



CONTRACT LAW DIVISION

Office of the Assistant General Counsel for Finance & Litigation



Biweekly Report - Period Ending September 14, 1996

Andre Kimboko v. U.S. 96-WY-1305 (D. Colo.)

Plaintiff Kimboko has filed a motion for summary judgment in this contract claim for **\$6 billion**. The motion is without merit or legal basis. Plaintiff claims entitlement to lost profits on his unsolicited proposal because the government (including Commerce) did not timely respond to the unsolicited proposal. Any dismissal in this case would be in favor of the Government. Catherine Shea is working with the AUSA.

Engineered Systems, Inc. v. DOC, GAO-B-273027

We have just filed our agency report with the General Accounting Office (GAO) in this protest arising out of the award of a follow-on contract by NOAA to the incumbent contractor for the maintenance and logistical support of the Weather Radio Transmitter Network. Protestor claims that the Government improperly applied the solicitation's evaluation criteria to its offer, and failed to make a proper cost/technical trade-off in arriving at its award decision. Protestor will have an opportunity to comment on the report, and the GAO is scheduled to render its decision on or before December 10, 1996. Because this network provides critical weather warnings to the nation, a "Determination and Find-

ing" was executed by the Head of the Contracting Activity to continue with the award in the face of the protest, and the GAO was notified. Ken Lechter has the case.

Unisys Corp. v. Dept. of Commerce

We submitted a Joint Motion for Extension of Trial Schedule on 8/30/96, and will submit an amended motion by September 10 as result of a Board order to include duration of trial in the motion. Based on the motion, trial is now scheduled to commence on February 3, 1997, with an anticipated six-week duration. DOJ/Unisys meeting rescheduled for September 19, 1996. Terry H. Lee, Steven Carrara have the case.

Metro Monitoring Services v. DOC—GAO No. B-274236

The Government has requested that this bid protest against award of a contract for weather observation services for the National Weather Service be dismissed on the basis that the protest is untimely. The Government believes the protestor knew or should have known the basis of its protest – an alleged conflict of interest by the low bidder – more than ten days prior to filing its GAO protest. Lisa J. Obayashi has the case.

CONOPS--Census Pilot Projects

Significant progress has been made on all three pilot projects. Source selection has been made for the Laptops procurement. We have provided comments on the draft contract; award is expected within the week. The Data Access and Dissemination (DADS) Project Agreement has been released to the public by posting on the CONOPS World Wide Web site. We have provided comments on a near-final draft of the Geographic Updates Project Agreement. Fred Kopatich is advising.

Empowerment Contracting

OMB has cleared the Department's Empowerment Contracting guidelines and they were published in the Federal Register on September 13, 1996. The guidelines are also available on our Web site. Ken Lechter and Joe Levine worked on the matter.

NOAA Albatross

We have reviewed the CO's final decision in this \$500,000 claim for equitable adjustment by North Florida Shipyard, Inc. Catherine Shea and Ken Lechter are advising EASC.

Actions Completed/Received during Period

	From 9/1/96	To 9/14/96
	Received	Completed
CENSUS	6	5
NIST	9	9
NOAA	12	15
NTIA	1	1
NTIS	1	1
O/S	0	1
PTO	2	3
Total	31	35

Contract Law Division—Client Workload Period Ending 09/14/96

